Remarks

Applicants respectfully request reconsideration of the outstanding Office Action rejections in view of the foregoing amendments, which have been made to further distinguish the claims from the cited documents and to put the claims in better condition for further examination. Claims 1 and 2 have been amended to recite renal cell cancer, to define the cytokines recited therein as interferons and to include the limitation of claim 3, whereas claims 3, 5-7 and 13 have been cancelled. Claim 8 has been amended to change the dependency from claim 5 to claim 1. Claim 10 has been amended to remove the word substantial.

Regarding the outstanding 35 U.S.C. 112, first and second paragraph, rejections, Applicants respectfully submit that, with respect to the definition of low-dose, the scale developed by the National Cancer Institute for detecting adverse effects, i.e., the common toxicity criteria (CTC), is objective and standardized criteria for one of ordinary skill in the art. Moreover, one of ordinary skill would recognize that the definition of low-dose is also encompassed in the preferred dosage range of 1-10 MIU (page 5, lines 9-27 of the present specification).

With respect to the definition of chimeric G250 antibodies, Applicants would like to draw the Examiners attention to page 6, lines 20-25 of the present specification. Here, Applicants respectfully submit that a chimeric G250 antibody of the present invention is defined as described in both PCT/EP/02/01282 and PCT/EP/02/01283, along with methods of producing the same. Furthermore, one of ordinary skill in the art would recognize what is meant by the term chimeric G250 antibody even without this disclosure.

Regarding the 35 U.S.C. 102(a) rejection, Applicants respectfully submit that the amendments to the claims distinguish the present claims from Beck et al. Beck et al. is directed to the G250 antibody as a treatment of renal cell cancer in combination with interleukin-2, whereas present claims 1 and 2 are directed to the G250 antibody as a treatment of renal cell cancer in combination with interferons.

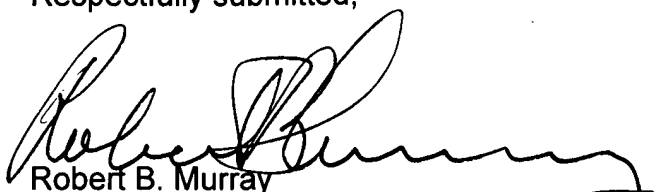
Additionally, Applicants have submitted a declaration signed by Stephan Ullrich. This declaration states that Stephan Ullrich is the sole inventor of the subject matter in present invention as well as the invention described in the Beck et al. document. Since the outstanding rejections are under the provisions of 35 U.S.C. 102(a), the declaration serves to disqualify Beck et al. from being asserted against the present claims. Accordingly, Applicants respectfully request withdrawal of these rejections.

Regarding the 35 U.S.C. 103(a) rejection, Applicants respectfully submit that the amendments to the claims distinguish the present claims from the combination of Beck et al. with Bleumer et al. and Pavone et al. Since Beck et al. is directed to the G250 antibody as a treatment of renal cell cancer in combination with interleukin-2, whereas present claims 1 and 2 are directed to the G250 antibody as a treatment of renal cell cancer in combination with interferons, there is no motivation found in Beck et al. to combine this disclosure with either of Bleumer et al. or Pavone et al. Furthermore, the Beck et al. document has been disqualified as prior art, as described above. Accordingly, Applicants respectfully request withdrawal of these rejections.

In view of the foregoing remarks and amendments, Applicants believe the present claims are now further distinguished over the cited documents and in condition

for allowance. Applicants respectfully request withdrawal of the outstanding office action rejections. Early and favorable action on the merits is awaited.

Respectfully submitted,

By 

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